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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,628	07/19/2001	Joanne Louise Whitaker	CM1993M	7144

27752 7590 05/21/2003

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INTELLECTUAL PROPERTY DIVISION  
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CINCINNATI, OH 45224

EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/889,628

Applicant(s)

WHITAKER ET AL.

Examiner

Lorna M. Douyon

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondenc address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 16-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 16-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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***Information Disclosure Statement***

1. The references cited in the Search Report have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO-1449 form, must be filed within the set period for reply to this Office action.

***Claim Objections***

2. Claim 1 is objected to because of the following informalities: in line 6, the second occurrence of "b)" should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was

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commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 16-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt (EP 0,799,886) in view of Davidson (US Patent No. 3,951,821).

Schmidt teaches laundry detergent tablets comprising 0.1 to 15% by weight nonionic tenside, 0.1 to 15% by weight amphoteric tenside, 20 to 50% by weight polyfunctional carboxylic acid and/or salt thereof calculated as trisodium citrate dihydrate, 5 to 70% by weight potassium carbonate, 0.5 to 5% by weight disintegrating agent, 1 to 8% by weight binder and 0 to 10% by weight polymer (see page 4, lines 1-44). Examples of disintegrating agents are starch derivatives, cellulose compounds, polyvinyl pyrrolidone compounds and alginates (see page 7, lines 56-58). In order to improve the dissolving period additionally, it is furthermore possible to use a small amount of an organic carboxylic acid which together with the carbonate used result in an effervescent effect when the tablets come into contact with water (see page 8, lines 2-5). The tablets are produced at a pressure of 50-60 kN (see page 9, lines 27-28) and should have a Child Bite Strength as those recited. Schmidt, however, fails to specifically disclose the particle size of the disintegrating agent such as cellulose compounds.

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Davidson teaches disintegrating agents for tablets comprising an active ingredient such as a soap (see col. 1, lines 30-37). The disintegrating agents include cellulose or cellulose acetate hollow fibers having inside diameters on the order of about 5 to about 1000 microns and a tubule length from about 50 microns to 2 to 3 millimeters, the tubules having outside diameters ranging from about 10 to about 50 microns to about 300 to about 1100 microns and axial length is preferably about 100-1000 microns (see abstract; col. 1, line 60 to col. 2, line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the disintegrating agents of Schmidt to have a particle size within those recited because it is shown by Davidson that disintegrating agents for tablets have sizes which overlaps those recited.

5. Claims 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt in view of Davidson as applied to the above claims, and further in view of Gladfelter et al. (WO 92/20774), hereinafter "Gladfelter".

Schmidt and Davidson teaches the features as described above. The combination of reference, however, fails to disclose a detergent tablet having a first phase in the form of a shaped body having at least one mould and a second phase in the form of a particulate solid compressed within said mould.

Gladfelter teaches a solid chemical concentrate system of at least two cooperative shapes which may dispense compatible or incompatible actives in one or more systems (see page 1, lines

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1-3, said system comprising: (a) a first shape comprising an inwardly curved bar, said bar having an inner opening; and (b) a second shape comprising an insert wherein said insert interlocks with said bar by fitting within said bar inner opening, said bar and insert providing at least one substantially continuous surface and wherein the bar comprises a first composition and the insert comprises a second composition (see claims 1 and 2). The first composition comprises a solid selected from the group consisting of a cast solid, compressed solid, an extruded solid, a granular solid or an agglomerated solids (see claim 3). The second composition comprises a solid selected from the group consisting of a cast solid, compressed solid, an extruded solid, a granular solid or an agglomerated solids (see claim 4). The solid chemical concentrate system may include warewashing or laundry detergents as well as any number of other chemical detergent systems useful in any variety of applications (see page 1, lines 14-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to prepare the detergent tablet of Schmidt and Davidson in the form as taught by Gladfelter because this would dispense compatible or incompatible actives in one system as taught by Gladfelter.

6. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. These references are considered cumulative to or less material than those discussed above.

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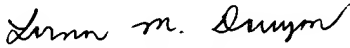
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

(703) 872-9311 - for Official After Final faxes  
(703) 872-9310- for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

May 19, 2003

  
Lorna M. Douyon  
Primary Examiner  
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